

BRYAN INJUNCTION MAY HALT JINGOES

Supreme Court Decision Affords Secretary a Precedent for Enjoining State of California.

ALIEN LAND LAW IN ISSUE

High Tribunal Held Federal Government Responsible for Violation of International Obligations.

(From The Tribune Bureau.) Washington, April 6.—Will William Jennings Bryan, in the capacity of Secretary of State, be compelled to prosecute the Progressive State of California for violation of a federal treaty?

The possibility of this contingency looms large in the light of the reported determination of Governor Hiram Johnson and his Progressive followers to join with the Democrats in the California Legislature to pass an alien land act which seems clearly to violate the general treaty with Japan, ratified on February 24, 1911.

When, on a former occasion, California threatened to enact a similar statute affecting the admission of Japanese to her public schools, President Roosevelt, believing he would be without legal redress, summoned the legislative leaders of the Golden Gate State to Washington and through his personal influence dissuaded them from such a course.

That Secretary Bryan can pursue the same course with equal success is emphatically denied by the members of the California delegation in Washington. "That he may, however, find legal precedent for action to enjoin the State of California seems at least to be suggested by the decision of the Supreme Court of the United States in the case of the United States vs. Arjona (1887), 120 U. S. 479, in which the court held:

First.—That by the Constitution of the United States all intercourse between a state and foreign nations is prevented, and exclusive authority for that purpose given to the United States.

Second.—That the national government is thus "made responsible to foreign nations for all violations of the United States' 'TREATY' international obligations," and that for this reason Congress was expressly authorized "to define and punish" offenses against the law of nations." (Article I, Section 8, Cl. 10.)

Third.—That the law of nations requires every national government to "use due diligence" to prevent the commission within its dominions of a wrong to another nation or of its people.

The proposed legislation, which undoubtedly is aimed at the Japanese, prohibits the owning of land by any alien. This, the Japanese Ambassador insists, would be in direct violation of the treaty, Article I of which reads:

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JUSTICE DANIEL F. COHALAN. Who had to leave a dinner party to prepare for an operation for appendicitis.

COHALAN, TAKEN ILL AT DINNER, IS OPERATED ON

Supreme Court Justice Attacked by Appendicitis—Physician Predicts Speedy Recovery.

Justice Daniel F. Cohalan, of the Supreme Court, for many years legal adviser of Charles F. Murphy, leader of Tammany Hall, was operated on for appendicitis at Roosevelt Hospital yesterday afternoon. Dr. Charles N. Dowd, of No. 127 West 72d street, performed the operation.

Although the case was an emergency one, Dr. Ludwig Kast, of No. 771 Madison avenue, Mr. Cohalan's physician, said the operation had been entirely successful and that he expected to have his patient out within two weeks. Mr. Cohalan came out of the other at 1 o'clock and was resting easily, according to the latest report sent out from the hospital.

He was taken ill during a dinner at his home, No. 1008 St. Nicholas avenue, on Saturday night. This illness became so acute that he had to be carried to his room.

Dr. Kast was called, but there were no symptoms which enabled him to discover the exact nature of the complaint from which the justice was suffering. The physician yesterday morning was able to localize the pain sufficiently to make certain that it was a case of appendicitis, and he advised an immediate operation. Justice Cohalan was taken to Roosevelt Hospital in an automobile ambulance at 2 o'clock in the afternoon. Dr. Dowd was called in consultation and two hours later the operation was performed.

"DEAD" SNAKE MUCH ALIVE

Reptiles Emerge from It to Battle Aged Man.

(By Telegraph to The Tribune.) Plainfield, Conn., April 6.—Lemuel Greene, an old farmer employed in the southern part of this town, while out walking to-day saw what looked like a dead black snake in front of a ledge. When he took it by the tail to see its length many large snakes sprang out at him. Two wound themselves about his body and had to be cut away.

KILLED IN PISTOL DUEL

American Shot by Cuban Who Escapes on Ship for New York.

Havana, April 6.—Rudolph Warren, son of Jerry Warren, a prominent American sugar planter, died in a hospital here to-night from a pistol wound in the abdomen which he received in a duel yesterday with Hannibal Mesa, son of the late Terzo Mesa, a member of a wealthy Cuban family.

The two young men had recently had several physical encounters, and were reported to be rivals for a woman's affections. As a result Mesa challenged Warren, which, according to the Cuban code, conferred the choice of weapons on Warren.

The duel was at thirty-five paces. Warren fell at the first fire. Mesa was not harmed. Warren was taken to a hospital, where he made a statement to the police that he had accidentally shot himself while handling a revolver. Immediately after the duel Mesa sailed for New York on the steamer Havana.

FEARING ASSASSINS, SLAYER SURRENDERS

Michael Sullivan Walks Into Magistrate Marsh's Court and Says He Killed Eugene Smith.

SELF-DEFENCE HIS EXCUSE

Received Word That He Would Be Shot on Sight by Henchmen of Victim, Who Belonged to Tammany Club.

Made desperate by fear of the vengeance of gang friends of his victim, Michael Sullivan chose yesterday to face a charge of murder, and walked into the Tombs court about noon and admitted to Magistrate Marsh that he killed Eugene Smith at Park Row and Roosevelt street early Saturday.

Sullivan's crime might have remained unsolved indefinitely, except for his surrender, for apparently there were no witnesses, so far as the police could learn, to the actual murder of Smith. James Lombardi, who was standing in the vicinity of Roosevelt street and Park Row when the murder happened, told the police of hearing a revolver shot and of having seen three men running. He was unable to describe the men.

Word had gone forth that friends of Eugene Smith, who was known to the gangsters of the Cherry Hill district as "Guy," would "get" the man that killed their friend. Hearing of this Sullivan kept clear of his usual haunts, which were being watched. Word reached Sullivan that he was a marked man and that he would be shot.

Self-Defence His Excuse

To Magistrate Marsh, who was just about ready to leave the courtroom, Sullivan said: "I want to surrender myself. I was in that shooting affair at Park Row and Roosevelt street early Saturday morning." The magistrate held him for the coroner.

To Coroner Hollenstein he said he shot and killed Smith in self-defence. He had heard that Smith was going "to do him up" on sight. About midnight on Saturday he said he was walking on Park Row, when some one called his attention to Smith. He turned, he said, in time to meet the glance of Smith, who had his hand in his pocket. Fearing he was going to "pull a gun" Sullivan fired. The bullet penetrated Smith's brain. Smith was a bartender, but had a police record as a "hold-up" man.

The coroner advised Sullivan not to make any statement until he had consulted a lawyer. He was remanded to the Tombs without bail. A hearing of the case was set for to-morrow morning. Sullivan said he was twenty-seven years old and lived at No. 49 Catharine street. He gave his occupation as a sampler on the Cotton Exchange.

On His Way to a Ball.

Eugene Smith lived at No. 1812 Broadway, Brooklyn. He was killed while on his way to a ball at Tammany Hall. He had been drinking in saloons along Park Row with several of his former acquaintances. He had lived in the Cherry Hill district but a short time ago, and was active in politics in the district.

WILSON A "LAWBREAKER"

Unwittingly Violates New Traffic Rules at Capital.

Washington, April 6.—President Wilson unwittingly violated to-day the new traffic regulations which provide that persons shall not cross the streets except at corners.

While out walking the President and Secretary Tamm cut across Pennsylvania avenue diagonally toward the White House. A policeman smilingly informed them of their error.

THIS MAN KNEW BOYS

Gets Stones Moved from School Yard by Nature Study.

(By Telegraph to The Tribune.) Hagerstown, Md., April 6.—When the Civic League of this city obtained from the school board permission to park the grounds surrounding the Winter street public school, Albert C. Pfefferberger, the principal, became much interested. In one part of the lot were twelve cartloads of stones, which had to be removed, but the appropriation was small.

WILSON IN PERSON TO READ MESSAGE

Legislative Circles Flurried at Breaking of Precedent Established by Thomas Jefferson.

FROM ROSTRUM OF HOUSE

If Senators Desire to Hear Tariff Pronouncement They Must Drop in Informally—Back to George Washington's Custom.

(From The Tribune Bureau.) Washington, April 6.—For the first time in more than a hundred years a President of the United States will in person present and read his message to the Congress on Tuesday. President Wilson has informed Representative Underwood and the House and Senate leaders that he will read his tariff message in the House chamber, thus breaking a precedent established by the founder of Democracy, Thomas Jefferson, who initiated the plan of sending messages by messenger.

George Washington and John Adams were accustomed in the earlier days of the Republic to visit the halls of Congress and read their messages. When Jefferson became President, in 1801, he discontinued the practice, and from that day to this a White House messenger or an assistant secretary to the President has "delivered certain messages in writing."

Mr. Wilson's announcement that he would personally visit the House and read his message from the Speaker's rostrum jolted legislative circles here to-night. The present plan is that the President will address himself only to the House, and incidentally to such Senators as informally visit the House chamber upon the occasion. If the President so desires, however, a resolution may be introduced in both houses calling for a joint session.

Senate May Hold Aloof

Certain Senators are not entirely enthusiastic over the smashing of another time honored precedent, and there are grave misgivings over the fate a resolution of this character would meet in the upper body. When the two houses are called to order at noon to-morrow notification committees will be appointed to inform the President that the Congress has convened and is waiting to receive any communication which the Executive has to offer. President Wilson will tell the Senate and House notification committees that he will have a message to transmit, but that he will bring such message in person, instead of sending it by messenger.

As soon as the Senate and House meet on Tuesday the committees will report in substance that "we have called upon the President of the United States and informed him that the Congress is ready to receive any message he may have for it. The President has notified your committee that he will have a certain message, which he will present in person."

This ceremony over, there will be a flurry in the Speaker's lobby, and President Wilson will appear in the chamber and proceed to the rostrum, where he will read his 1,200-word tariff message.

It is not believed that the President will suggest a formal joint session of the Senate and House, although an attempt will be made to carry out such a programme if the President insists when the notification committee calls to-morrow. Individual members of the Senate will be at liberty to visit the House chamber during the novel ceremony, but the prospects are that since tariff legislation originates in the House that body alone will be selected as the place for the appearance of the Executive.

Washington Chagrined.

In the "Journal of William Macley," who saw service in the Senate during Washington's day, frequent reference is made to President Washington's visits to the houses of Congress. It is recited that Washington once left the Senate chamber in a huff because that honorable body referred to committee a treaty with the Cherokee Indians upon which the President wanted immediate action.

Macley says that Washington tired of the long debates and the proposal to refer the treaty to committee. "He withdrew with a discontented air," wrote Macley, "and had it been any other man than the one I wish to regard as the greatest character in the world, I would have said with sullen dignity."

On the following Monday, the "Journal of William Macley" continues, President Washington returned to the Senate in better temper. An instance is cited where Washington actually offered an amendment to the treaty, and Macley in his diary reluctantly asserts that "he is trying to tread on the neck of the Senate."

It is understood that President Wilson does not intend that this shall be his last visit to the Senate and House. While he may read no other messages to the assembled legislators, it is the intention of the Executive to go to the Capitol more or less frequently to consult with the leaders, and the President's room at the Senate end of the building has been refurnished in accordance with Mr. Wilson's taste.

\$2,000,000 LOSS FROM FROST. Raleigh, N. C., April 6.—Frost did \$2,000,000 damage in this section to-day. The strawberry crop will not be a total loss, however.

BALKAN ALLIES BACK MONTENEGRO; DEFY ALL EUROPE

King Nicholas Persists in Attack on Scutari and Bulgaria, Serbia and Greece Support Him.

REFUSES TO BE SCARED

Warships, Representing 235,000,000 Souls, Start Coercing a Population About One-Half of That of The Bronx.

(By Cable to The Tribune.) London, April 7.—Montenegro refuses to be frightened by the threats of the great powers. King Nicholas rightly regards the intervention of the powers as a breach of neutrality, and boldly defies the international fleet, under the command of the British admiral, which is now making a more or less imposing demonstration off Antivari. It is a situation of tremendous gravity, full of terrible perils to the maintenance of peace between the great powers.



KING NICHOLAS OF MONTENEGRO.

Who defies the European powers, and map of his little country, showing Scutari, which is the bone of contention, and Antivari, the port blockaded by the warships of the powers. Montenegro has but 25 miles of seacoast; her area is about equal to twice that of Manhattan Island and Long Island combined, and her population numbers 250,000, about half the population of The Bronx.

CHENONCEAUX FOR MENIER

Historic Chateau Not Purchased by W. K. Vanderbilt.

(By Telegram to The Tribune.) Paris, April 7.—"Le Matin" says that Henri Menier, the chocolate "king," is the purchaser of the historic Chateau of Chenonceaux, which was sold on Saturday by Count Stanislas de Castellane for \$354,000.

It had been reported that the buyer of the chateau was W. K. Vanderbilt, but this was at once denied by Mr. Vanderbilt's secretary.

SAVED FIANCEE: LOST CHUM

Young Man Saw Friend Drown as He Rescued Sweetheart.

(By Telegram to The Tribune.) Philadelphia, April 6.—Seeing his last friend sink for the last time when unable to cling to an overturned skiff in the Delaware River any longer to-day, William Brunt, of No. 2243 North 3d street, refused to loosen his life-saving hold upon his sweetheart in order to save John Assenheimer, who was drowned.

It was a battle between the friendship of the two men and Brunt's love for Ethel Bennett, twenty years old, of No. 3242 Emerald street. The trio had been boating on the river, following a day's outing, when the wind caused the craft.

J. D. ROCKEFELLER, ICE MAN

Puts Joke on Pocantico Humorist by Building Own Plant.

Tip Van Winkle may have been a lucky man, but he had nothing on John D. Rockefeller. This year, when ice is so scarce that the prices have jumped up nearly 100 per cent, the oil man comes along with his own plant, capable of turning out a ton a day.

Mr. Rockefeller has lived at Pocantico Hills for fifteen years, but he has always bought his ice. This year it has been jumped from 40 to 70 cents a hundred and Mr. Rockefeller can manufacture a ton at a cost of \$2, a clear saving of \$12 a day. He will make his ice from water drawn from his own springs.

Mr. Rockefeller has always bought his ice from George Ferguson, better known as "the Pocantico Hills humorist," who has all records for making the oil king laugh. Mr. Rockefeller will continue to laugh this year, but the joke seems to be on Ferguson.

2 KILLED, 4 HURT IN MOTOR CRASHES

Girl Dashed to Death in Crowded Princeton Roadway by Racing Car, Caught When Patrolman Blocks Bridge.

MANUFACTURER ARRESTED

Joseph T. Moran, Brooklyn Man, Released, but Chauffeur Is Held for Manslaughter—Jersey Speed Maniac Slain.

Automobiles and motorcycles in New Jersey were responsible yesterday for the death of a young woman and a man and for the serious injury of four other men. The accidents occurred in Princeton, Arco, Egg Harbor and Orange.

All the injured and the man who was killed figured in motorcycle accidents. The girl was killed when a racing automobile struck her as she was walking on Washington Road, Princeton, fracturing her skull and breaking one of her legs.

May Duryea, eighteen years old, the daughter of Christopher Duryea, a contractor, of No. 28 Park street, Princeton, was walking on Washington Road, accompanied by Miss Grace Lloyd, a friend, when she met her death.

The two girls were strolling in the direction of Carnegie Lake, as were several hundred other persons, when the automobile, driven by Irvin A. Hoffman, of Brooklyn, came racing down the smooth stretch of road in the direction of New York.

Owner Was Speeding Home. In the car beside the chauffeur was Joseph T. Moran, vice-president of the Atlantic Basin Iron Works, of Brooklyn. Moran, the owner of the car, was on his way to his home, at No. 1223 Pacific street, Brooklyn.

Washington Road is a popular walk for persons living in Princeton, especially on Sunday afternoon, and the roadway was crowded when the accident happened. There were many friends of the two young women in the crowd, and when the automobile, going at reckless speed, bore down among the strollers there were shouts of warning from many persons.

Hoffman sounded his siren as his car tore down the road where the girls were walking. Both glanced quickly behind them and then leaped to the side of the road. Miss Duryea was a fraction of a second too late, however, and the heavy machine struck her a terrific blow, completely demolishing the lamp at the side of the wind shield.

The girl's body was hurled to one side of the road, where it lay motionless. Several persons screamed in horror as they saw the body hurtling through the air, and this frightened the man at the wheel, who put on more speed and rushed on his way. The automobile was out of sight in a cloud of dust before any attempt could be made to stop it.

Companion Hysterical.

Miss Lloyd, weeping hysterically, rushed to the side of the injured girl and tried to revive her. Blood was coming from the wounds in Miss Duryea's head, and her left leg was bent backward and broken.

Somebody called a physician, but it required only a hasty glance to show that the girl had been instantly killed. Her skull was badly crushed. While a large crowd of men and women voiced their indignation at the heartless manner in which the men in the automobile had driven off after killing Miss Duryea, a man telephoned to the police, giving the license number of the machine and a description of the car. Within five minutes the police of all surrounding towns and hamlets were told to keep a sharp lookout for the car.

About forty minutes after the accident Patrolman Robinson, of the New Brunswick police force, was watching for the death dealing automobile at the Albany street bridge in that town. He could command a wide view of the River Road, a favorite speedway for automobilists, and figured that the gray machine would pass that way on its trip to New York.

Starts to Head Off Car.

Robinson's patience was finally rewarded when he saw a machine answering the description of Moran's car come booming along the road. Reading the license number, Robinson was sure of his game. He impressed into service the passing automobile of Andrew Weingart and started to head off the gray car.

To do this he had to first cross the bridge to reach the road. Hoffman seemed to scent trouble and made a desperate effort to get past the bridge before Robinson could reach it. The policeman was too quick, however, and blocked the way across the narrow bridge, so Moran's car was forced to slow up. Robinson then got out and told the men in the gray car they were under arrest, charged with the killing of Miss Duryea.

Moran, who seemed in great fear, told Robinson he did not know Miss Duryea had been badly injured, and had therefore kept on his way. He and Hoffman were taken to Police Headquarters, to await the arrival of Chief of Police Kilfoyle of Princeton.

Four hundred Princeton students were in waiting for Moran and Hoffman when they arrived at the Mayor's office for arraignment. Moran was plainly nervous, but had arranged before for counsel, being represented at the hearing by John H. Backus. Hoffman, who made no statement,